

After hearing testimony from the Respondent and considering the documents and evidence submitted, the Board voted to enter the following Findings of Fact, Conclusions of Law, and Order for Decree of Censure and Probation:

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2. Respondent is the holder of License No. 2253 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

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1 5. The Board had the following concerns based upon the evidence that

2 Respondent:

- 3 a. Prescribed both opioids and benzodiazepines concurrently;
- 4 b. Prescribed methadone in conjunction with benzodiazepines and
- 5 opioids;
- 6 c. Prescribed multiple benzodiazepines to the same patient;
- 7 d. Prescribed drugs without understanding the side-effects;
- 8 e. Continued to prescribe opioids to patients who had a past history of
- 9 substance abuse;
- 10 f. Failed to recognize drug seeking behavior in some of his patients,
- 11 including patient J.P;
- 12 g. Continued to prescribe and over-prescribe controlled substances;
- 13 h. Prescribed Adderall to a patient without doing a work- up to determine
- 14 if the patient had ADHD;
- 15 i. Failed to monitor persons to whom the drugs were being prescribed to
- 16 guard against overprescribing;
- 17 j. Failed to obtain urine drug screens from patients taking controlled
- 18 substances on a consistent basis;
- 19 k. Failed to document prescriptions for controlled substances;
- 20 l. Failed to examine the patient to determine the condition that he felt
- 21 necessitated the prescribing of the medications;
- 22 m. Failed to document physical examination results;
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- 1 n. Failed to document the reason(s) for the prescription(s);
2 o. Failed to make appropriate pain management and psychiatric referrals.

3 **CONCLUSIONS OF LAW**

4 1. Pursuant to A.R.S. §32-1800, et seq. the Board has subject matter and
5 personal jurisdiction in this matter.
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7 2. The conduct and circumstances described in paragraphs 1 through 6 above,
8 constitute unprofessional conduct as defined in the following paragraphs of A.R.S. §32-
9 1854:

10 (6) Engaging in the practice of medicine in a manner that harms or
11 may harm a patient or that the Board determines falls below the community standard.
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13 (21) Failing or refusing to establish and maintain adequate records on a
14 patient as follows:
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16 (a) If the patient is an adult, for at least six years after the last date
17 the licensee provided the patient with medical or health care services.
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19 (36) Prescribing or dispensing controlled substances or prescription-only
20 medications without establishing and maintaining adequate patient records.

21 (38) Any conduct or practice that endangers a patient's or the public's
22 health or may reasonably be expected to do so.
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24 (48) Prescribing, dispensing, or furnishing a prescription medication or a
25 prescription-only device to a person if the licensee has not conducted a physical or mental
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1 health status examination of that person or has not previously established a physician-
2 patient relationship.

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4 **ORDER**

5 Pursuant to the authority vested in the Board,

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7 1. **IT IS HEREBY ORDERED** that Respondent is issued a **DECREE OF**
8 **CENSURE**;

9 2. **IT IS FURTHER ORDERED** that the practice restriction imposed in the
10 Interim Order prohibiting Respondent from prescribing Schedule 2, 3, 4, and 5
11 medications and recommending medical marijuana to patient is lifted;

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13 3. **IT IS FURTHER ORDERED** that Respondent's license number 2253 is
14 placed on **PROBATION** for a minimum period of five (5) years from the effective date
15 of this Order. The effective date of this Order is thirty-five (35) days from the date this
16 Order is signed by the Board's Executive Director. At the conclusion of five years,
17 Respondent must petition the Board for termination of his probation and release from all
18 terms and conditions of the probation. If the Board determines that Respondent has not
19 complied with **all** the requirements of this Order the Board, in its sole discretion, may
20 either: (a) continue the probation or (b) institute proceedings for noncompliance with this
21 Order, which may result in suspension, revocation, or other disciplinary and/or remedial
22 action.
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25 4. **IT IS FURTHER ORDERED** that during the period of probation, on a
26 weekly basis, Respondent shall submit to the Board's Medical Consultant a report from

1 the Controlled Substances Prescription Monitoring Program ("CSPMP") showing all
2 prescriptions for controlled substances issued by Respondent and filled by patients.
3 Respondent shall submit the CSPMP report in a secure digital format to ensure that the
4 confidentiality of the information is maintained.
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6 **5. IT IS FURTHER ORDERED** that for the first six months of the
7 probationary period, Respondent shall engage the services of a Board-approved practice
8 monitor who will review Respondent's patient charts to determine if Respondent's
9 prescribing practices and recordkeeping are within the standard of care. Respondent shall
10 ensure that the practice monitor submits reports to the Board on a monthly basis, with the
11 first report due on or before September 30, 2018.
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13 **6. IT IS FURTHER ORDERED** that following the expiration of the sixth
14 month period during which the practice monitor is required, Respondent shall cooperate
15 with Board staff and provide records for chart reviews during the remainder of the period
16 of probation. Chart reviews shall be conducted at a frequency determined by the Board's
17 Executive Director and Medical Consultant.
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19 **7. IT IS FURTHER ORDERED** that during the period of probation,
20 Respondent shall notify the Board's Executive Director, in writing, of all patients to
21 whom he provides or issues a written certification for medical marijuana as defined in
22 A.R.S. §36-2801 (18).
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24 **8. IT IS FURTHER ORDERED** that within sixty days of the effective date
25 of this Order, Respondent shall complete ten hours of continuing medical education in the
26 area of recordkeeping. Within fourteen days of completing the continuing education,

1 Respondent shall provide the certificate(s) of completion to the Board's Executive
2 Director.

3 9. **IT IS FURTHER ORDERED** that Respondent shall pay a civil penalty in
4 the amount of \$1,000.00 dollars within sixty days of the effective date of this Order.
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6 10. **Costs:** Respondent shall bear all costs incurred regarding compliance with
7 this Order.

8 11. **Obey All Laws:** Respondent shall obey all federal, state and local laws,
9 and all rules governing the practice of medicine in the State of Arizona.
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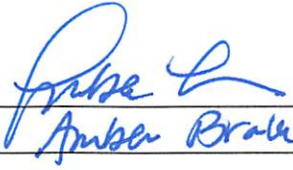
11 12. **Ceasing Practice in the State of Arizona:** In the event that Respondent
12 ceases to practice medicine in the State of Arizona, by moving out of state, failing to
13 renew his license, or maintaining an Arizona license but ceasing to practice clinical
14 medicine or administrative medicine requiring licensure, Respondent shall notify the
15 Board that he has ceased practicing in Arizona, in writing, within 10 days of ceasing to
16 practice. In its sole discretion, the Board may stay the terms of this Order until such time
17 as the Respondent resumes the practice of medicine in Arizona, or may take other action
18 to resolve the findings of fact and conclusions of law contained in this Order.
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20 13. **Failure to Comply/Violation:** Respondent's failure to comply with the
21 requirements of this Order shall constitute an allegation of unprofessional conduct as
22 defined at A.R.S. § 32-1854(25) and proven violations may be grounds for further
23 disciplinary action (e.g., suspension or revocation of license).
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ISSUED THIS __23rd__ DAY OF OCTOBER, 2018.

ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY

seal

By: , Executive Director

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

Respondent may request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The motion for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If a party files a motion for review or rehearing, that motion must be based on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-108(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting judicial review of the Board's decision. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a motion for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Original "Findings of Fact, Conclusions of Law and Order for Decree of Censure and Probation" filed this _23rd____ day of October, 2018 with:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
1740 W. Adams, Ste. 2410
Phoenix AZ 85007

Copy of the "Finding of Fact, Conclusions of Law and Order for Decree of Censure and Probation" sent by certified mail, return receipt requested,

1 this _23rd____ day of October, 2018 to:

2
3 Stephen Myers
4 Mitchell Stein Carey & Chapman, P.C.
5 One Renaissance Square
6 2 North Central Avenue, Suite 1450
7 Phoenix, AZ 85004
8 Attorneys for Respondent

9 Copies of this "Findings of Fact, Conclusions of Law and Order for Decree of Censure
10 and Probation " filed/sent this _23rd____ day of October, 2018 to:

11
12 Jeanne Galvin, AAG
13 Office of the Attorney General SGD/LES
14 2005 N. Central Ave.
15 Phoenix AZ 85004
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By: AB